

MINUTES

CASE NUMBER: CIVIL NO. 07-00172JMS-LEK

CASE NAME: Wayne Berry vs. Deutsche Bank Trust Company Americas
in their separate capacities and as agents for the pre and
post-petition lenders of Fleming Companies, Inc.
formerly known as Bankers Trust Company

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 06/04/2007

TIME:

COURT ACTION: EO: A conference call was held on June 1, 2007 at the request of Lyle Hosoda, Esq. Counsel for all parties participated by telephone. The parties reported that the defendants intend to file preliminary motions in this matter, and request that the Rule 16 conference be continued to after the hearing is held on these motions. Timothy Hogan, counsel for plaintiff, joined in this request. It is therefore ordered that the Rule 16 scheduling conference is hereby continued for approximately 90 days from the current date of June 25, 2007 to September 24, 2007 at 9:00 a.m. The parties' scheduling conference reports and joint meeting report are now due on September 17, 2007. If the new date for the Rule 16 scheduling conference should conflict with the hearing date for the preliminary motions, counsel shall contact the courtroom manager.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager